

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria)**

FILED

JANICE WOLK GRENADIER (JWG)

2017 OCT 23 P 1:29

Pro se

CIVIL NO. 1:17-cv-00925
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

v.

OCWEN SERVICING LLC et al

MOTION FOR JUDGE HILTON'S RECUSE UNDER U.S.C. 4 MISPRISON OF A FELONY

FRAUD ON THE COURT

**THAT THIS CASE BE RE-OPENED WITH A JUDGE WITH JURISDICTION AND HEARD AS
REQUESTED BY A JURY IMMEDIATELY**

COMES NOW Plaintiff demands Judge Hilton to recuse himself and an investigation into his collusion to COVER UP the criminal activity of Divorce Lawyer Ilona Ely Freedman Grenadier Heckman, Judge James Clerk and many others.

That ¹⁴U.S.C 4 Misprison of a felony Whomever has knowledge of he actual commission of a felony cognizable by a court of the United States conceals and does not as soon as possible make known the same to some judge or other person in civil or military under the United States shall be fined under this title or imprisoned not more than three year or both. Judge Hilton has an obligation to report the criminal activity of his colleagues and instead is colluding with them.

That also his finances should be investigated as a conflict this case and In Case No. 1:17-CV-819 AS HIS FINANCIALS SHOW that he is heavily invested in State Bonds and Banks and his nonsensical Order states I am suing Public Officials.

That all suits have been reviewed by lawyers and Claims are state correctly.

That Judge Hilton is also aware that he is being sued under Case No. 1:17-cv-1106.

That Judge Hilton has shown a bias to protect one of your own CORRUPT LAWYERS FOR FAVOR.

That Judge Hilton in the suit against Judge James Clark dismissed it – by all appearance now because he is a public official and it could harm his personal financials if he held his friend and another Judge accountable for the COVER UP OF DIVORCE LAWYER ILONA GRENADIER HECKMAN.

THAT THE APPEARANCE IS THIS INTIRE COURT HOUSE IS RIDDLED WITH JUDGES WHO DO NOT KNOW THE LAW OR DO NOT KNOW HOW TO FOLLOW THE LAW.

That this request is to RE-OPEN THIS CASE AND HAVE JUDGE HILTON AS THE LAW AND JUDICIAL CANONS REQUIRES HIM TO RECUSE and an INVESTIGATION FOR HIS IMPEACHMENT.

. All Orders by Judge Hilton in this case and others are "Void" due his lack of Jurisdiction. "Any judge who does not comply with his oath to the Constitution of the United States, wars against that Constitution and engages in violation of the Supreme Law of the Land. If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he is without jurisdiction, and he/she has engaged in an act or acts of treason." "Further it is the obligation of every Judge to honor, abide by, and uphold not only the Constitution and laws of the State, but they are bound by the laws and Constitution of the United States as well." "State court and Federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law." Stone v Powell,

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." Butz v. Economou, 98 S.Ct. 2894 (1978); United States v. Lee, 106 U.S. at 220, 1 S.Ct. at 261 (1882)"

Further, Janice is already before the court on an unequal footing. Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019(193); Pure Oil Co. v. City of Northlake, 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); Hallberg v Goldblatt Bros., 363 Ill 25 (1936), the court exceeded its statutory authority. Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967)

The constitutional guarantee of due process of law, found in the Fifth and Fourteenth Amendments to the U.S. Constitution, prohibits all levels of government from arbitrarily or unfairly depriving individuals of their basic constitutional rights to life, liberty, and property. The Due Process Clause of the Fifth Amendment ratified in 1791, asserts that no person shall "be deprived of life, liberty, or property, without due process of law." This amendment restricts the powers of the federal government and applies only to actions by it. The Due Process Clause of the Fourteenth Amendment, ratified in 1868, declares, "Not shall any State deprive any person of life, liberty, or property, without due process of law" (§ 1). This clause limits the powers of the states, rather than those of the federal government.

Where an extrajudicial false accusation of a deeply personal and profession nature has been made by the Court against Pro se Janice prior to his ever ascending the bench, (as he never ascended the bench and became the JURY that Janice demanded), but manifests itself in his current hostile and antagonistic frame of

mind in a matter over which he is currently presiding, Section 455 (a) of Title 28 mandates that the Court "shall disqualify himself" since his impartiality might reasonably be questioned.

Added to the clear language of Section 445, which requires disqualification where the court's impartiality might reasonably be questioned, is the forceful holding of the U.S. Supreme Court in *Liteky v. U.S.*, 510 U.S. 540, 557 (1994), clearly requiring disqualification under the circumstances presented here:

"Section 455(a) provides that a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." For present purposes, it should suffice to say that Section 455 (a) is triggered by an attitude or state of mind so resistant to fair and dispassionate inquiry as to cause a party, the public, or a reviewing court to have reasonable grounds to question the neutral and objective character of a judge's rulings or finding" .

The Second Circuit and the Southern District have repeatedly invoked these objective standards in defining the basis for recusal. *Gil Enterprises, Inc. v. Delvy*, 79 F.2d 241 (2d Cir. 1996); *U.S. v. Occhipinti*, 851 F. Supp. 523 (SDNY, 1993). As acknowledged in *Grodin v. Random House, Inc.*, 61 F. 3d. 1045 at 1053, citing appropriate language in *Liteky*: "deep seated antagonism makes fair judgment impossible."

The basis for recusal here is premised on an extraordinary false accusation leveled against counsel while the judge was still in private practice. It was, and is, a personal attack that is extrajudicial. See *U.S. v. Serrano*, 607 F.2d 1145 (5th Cir. 1979) and *U.S. v. Zagaire*, 419 F. Supp. 494 (N. Dist. Cal. 1976), where specific note is taken that extrajudicial attacks of a personal nature are the strongest basis for granting relief.

Nor does it matter that the Court fails to recall the specifics of the event in question: "The goal of section 455(a) is to avoid even the appearance of partiality. **If it would appear to a reasonable person that a judge has knowledge of facts that would give him an interest in the litigation then an appearance of partiality is created** even though no actual partiality exists because the judge does not recall the facts, because the judge actually has no interest in the case or because the judge is pure in heart and incorruptible. The judge's forgetfulness, however, is not the sort of objectively ascertainable fact that can avoid the appearance of partiality." *Lilyeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 871 (1988).

The plain language of 28 U.S.C. 455(b)(2) is clear:

(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it.

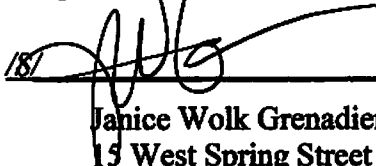
In discussing the import of § 455(b), Chief Justice Rehnquist noted, in his dissent, in *Lilyeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 871 (1988) that: "Subsection (b) of § 455 sets forth more particularized situations in which a judge must disqualify himself. Congress intended the provisions of § 455 (b) to remove any doubt about recusal in cases where a judge's interest is too closely connected with the litigation to allow his participation."

Where two separate factors involving a past association with a party and personal animus toward counsel combine to establish the personal bias and prejudice of the judge, as set forth in a timely and sufficient affidavit, the allegations must be accepted as true and the Court is required to recuse itself pursuant to 28 U.S.C. § 144."

That the law suit filed and the Orders which states clearly in the Case against Ilona that I am suing Public Officials is nonsensical – anyone can be sued even the President of the United States, the criminal activity by the Judiciary, Government and Elected Officials ignored by Judge Hilton requires him to recuse himself and "VOID" all past Orders. . That a stay should be entered until the investigation against Judge Hilton and a new Judge is appropriately assigned against any type of Sale against 15 W. Spring Street, Alexandria, VA 22301.

Date: October 19, 2017

Respectfully submitted,



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CERTIFICATION: I declare under penalty and perjury: That No attorney has prepared or assisted in the preparation of this document. - Janice did speak with attorney Tommy Andrews, Jr., PC, 122 N. Alfred Street, Alexandria, VA 22301. He did not actually help with document.

Janice Wolk Grenadier Name of Pro Se Party.



October 19, 2017

CERTIFICATE OF SERVICE

That due to the time frame and the Complaint has been illegally Dismissed. That the Defendants will receive this in an e-mail with a request to respond that they have received it. **To: OCWEN LOAN SERVICING LLC (OCWEN), MCCABE WEISBERG CONWAY PC (MWC) .Surety Trustees LLC Aka McCabe Weisberg Conway LLC, Abby Moynihan, Troutman Sanders, Moshin Reza. Chief Judge and the FBI and all applicable agencies investigating these crimes by all.**



Janice Wolk Grenadier